

108TH CONGRESS  
2D SESSION

# H. R. 4715

To clarify the obligations of the Federal Communications Commission to issue licenses using competitive bidding procedures.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2004

Mr. NUSSLE introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To clarify the obligations of the Federal Communications Commission to issue licenses using competitive bidding procedures.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Spectrum Account-  
5       ability Act”.

6       **SEC. 2. CLARIFICATION OF SPECTRUM AUCTION REQUIRE-**  
7       **MENTS.**

8       (a) AMENDMENT.—Paragraph (6) of section 309(j)  
9       of the Communications Act of 1934 (47 U.S.C. 309(j)(6))  
10      is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii), respectively;

(2) by striking “Nothing in this subsection” and inserting the following:

“(A) IN GENERAL.—Nothing in this subsection”; and

(3) by adding at the end the following new subparagraph:

“(B) LIMITATION.—Neither subparagraph (A) of this paragraph nor any other provision of this Act (other than paragraph (2) of this subsection) shall be construed to permit the Commission to avoid the requirement of paragraph (1) of this subsection to use competitive bidding in granting a license, or to avoid the obligation to accept properly executed mutually exclusive applications for such a license, if the grant of such license, including any grant by means of a modification pursuant to section 316, results in the licensee—

“(i) being authorized to use—

“(I) a materially greater quantity of electromagnetic spectrum than the licensee was authorized to use prior to the grant or modification; or

1                   “(II) a band of the electro-  
2                   magnetic spectrum that materially ex-  
3                   ceeds in value any band of spectrum  
4                   that was previously used by the li-  
5                   censee; or

6                   “(ii) effectively exchanging a license  
7                   previously held by the licensee for a license  
8                   that—

9                   “(I) materially alters the rights  
10                  or obligations under the previously  
11                  held license; or

12                  “(II) permits the licensee to pro-  
13                  vide services that the previously held  
14                  license did not permit.”.

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